



CITY OF MANCHESTER
Department of Public Works
Parks, Recreation & Cemetery Division
475 Valley Street, Manchester NH 03103
(603) 624-6444

REQUEST for PROPOSAL

Sealed proposals will be received at the Department of Public Works, 475 Valley Street, Manchester, New Hampshire, before or at **11:00 AM** prevailing time of the **19th** day of **August, 2021** for the following items:

Concessions/Vending (Fall and Winter)

FY22 – 650 - 05

Request for Proposals and specifications will be available at the Department of Public Works, 475 Valley Street, Manchester, NH or online at:

www.manchesternh.gov/bids

Questions regarding this request should be directed to: Janet Horvath, Recreation and Enterprise Manager via email at jhorvath@manchesternh.gov .

The Public Works Director reserves the right to waive any irregularities, reject any or all bids, and to accept the bid that appears to be in the best interest of the City. Failure to submit all information called for may be sufficient for disqualification.

Kevin A. Sheppard, P.E.
Public Works Director

GENERAL:

1. Proposals will be received by the City of Manchester, New Hampshire at the place and until the time specified in the Request for Proposal. Proposals will be compiled and posted on the City's website (www.manchesternh.gov/bids) by 4:00 PM on August 20, 2021. **NO PROPOSALS WILL BE ACCEPTED AFTER TIME AND DATE SPECIFIED.**
2. The following meanings are attached to the defined words when used in this document:
 - a. The word "**City**" means City of Manchester, New Hampshire.
 - b. The word "**Proposer**" means the person, firm, or corporation submitting a proposal on these specifications or any part thereof.
 - c. The word "**Contractor**" means the person, firm, or corporation with whom the Contract is being made by carrying out the provisions of this Sealed Proposal Request and the Contract.
 - d. The words "**firm price**" shall mean a guarantee against price increase during the life of the Contract.
3. Strict compliance with the requirements of the Request for Proposal, terms and conditions, and the instructions printed is necessary. All blank spaces must be filled in. For the convenience of Proposers, additional Proposal Request packages are available at no cost and on demand at the City of Manchester, Department of Public Works, 475 Valley Street, Manchester, NH 03103 or on our website at:

www.manchesternh.gov/bids
4. Each proposal must give the full business address of Proposer and be signed by him with his usual signature. Proposals by partnerships must furnish the full names of all partners and must be signed with the partnership name by one of the members of the partnership or by an authorized representative, followed by the signature and title of the person signing. Proposals by corporations must be signed with the legal name of the corporation, followed by the state of incorporation and by the signature and title of president, secretary, or other person authorized to bind it in the matter. The name of each person signing shall also be typed or printed below the signature. A proposal by a person who affixes to his signature the word "president", "secretary", "agent", or other title without disclosing his principal may be held to be the proposal of the individual signing. When requested by the City, satisfactory evidence of the authority of the officer signing on behalf of the corporation shall be furnished. All proposals must be signed by an authorized, responsible officer or employee having the capacity to enter into contracts.

5. Proposals must be securely sealed in a suitable envelope, (facsimile or electronic submissions will not be accepted) and marked on the outside as follows:

FY22-650-05, CONCESSION/VENDING

The entire solicitation document is to be returned when submitting a proposal, unless otherwise directed by the solicitation document. Failure to return all pages may result in a determination that the submittal is non-responsive.

PLEASE NOTE: THE CITY OF MANCHESTER IS NOT RESPONSIBLE FOR PROPOSALS NOT PROPERLY MARKED.

6. It will be the responsibility of the proposer to see that their proposal is received by the Department of Public Works as specified.
7. Each proposal is received with the understanding that the acceptance in writing by the City of the proposer to furnish any or all of the products/services described therein or as otherwise negotiated shall constitute a contract between the proposer and the City.
8. Proposals may be withdrawn upon written or electronic request received from Proposers prior to the time affixed for opening. Negligence on the part of the Proposer in preparing the proposal confers no right for the withdrawal of the proposal after it has been opened.
9. The solicitation document maintained by the Purchasing Division, in the proposal file folder, shall be considered the official copy. In the case of any inconsistency between proposal documents submitted to the City, the language of the official copy shall prevail. Furthermore, any exception or changes to the specifications made by the proposer may be cause to disqualify your proposal.
10. Upon making an award, or giving notice of intent to award, the City will place appropriate notice on the Purchasing Website: www.manchesternh.gov/bids
11. No oral interpretations will be made to any Proposer as to the meaning of the specifications or terms and conditions of this sealed Proposal Request. Every request for such interpretation or request for a change in the specifications or terms and conditions shall be made in writing, addressed and forwarded to:

Janet Horvath, Recreation and Enterprise Manager

Email: jhorvath@manchesternh.gov

Subject: Concession/Vending (Fall/ Winter)

All questions must be received five (5) business days prior to the bid opening.

The City of Manchester will post questions and answers on its website:

www.manchesternh.gov/bids

as an addendum no later than three (3) business days prior to bid opening. It is the responsibility of the proposer to check for any addendum(s) that have been issued. Any such addendums will then become part of the complete RFP.

Addendum(s), if issued, will be posted on the Purchasing Department's website: www.manchesternh.gov/bids. It is the proposers responsibility to check the website prior to the submittal deadline to ensure that the proposer has a complete, up-to-date package.

12. Proposals that are incomplete, not properly endorsed or signed, or otherwise contrary to these instructions may be rejected as informal by the City. The Proposal must be filled out completely and accurately.
13. Any changes and/or corrections shall be marked in red and initialed by the person making such corrections. Signatures of the responsible owner of the firm must be in ink.
14. Proposer shall clearly insert the price per stated unit.
15. The products/services on which proposals are submitted must be of such character, quality and/or performance equivalence that it will serve as that specified. In submitted proposals on products/services other than as specified, proposer shall furnish complete data and identification with respect to the alternate products/services they propose to furnish.
16. Consideration will be given to proposals submitted on alternate products/services to the extent that such action is deemed to serve the best interests of the City. The Proposer must furnish any information (specifications or test results) which will help in determining whether an item is equal or superior to our bid standards. If the proposer does not indicate that the products/services he proposes to furnish is other than specified, it will be construed to mean that the proposer will furnish the exact products/services described.
17. The apparent silence of these specifications and any supplemental specifications as to any detail or the omission from the specifications of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices are to prevail and correct type, size and design are to be used. All interpretations of these specifications shall be made on the basis of this statement.

18. The Proposer must certify that no official or employee of the City or State of New Hampshire has a pecuniary interest in the proposal or in the Contract that the Proposer offers to execute or in the expected profits to arise there from, and that this proposal is made in good faith without fraud or collusion or connection with any other person submitting a proposal.
19. The City reserves the right to waive any informality in proposals, to reject any and all proposals wholly or in part, and to make awards in a manner deemed in the best interest of the City. If a bidder desires to bid on “all or nothing” basis, they shall so indicate on the proposal schedule. When “all or nothing” bid is submitted the bidder must bid on every item on proposal schedule.
20. The Proposer, if awarded an order or contract, agrees to defend, indemnify, and hold harmless the City from all damages to life and property arising out of the performance of this Contract due to the Proposer's negligence, that of his employees, subcontractors, etc., or due to the negligence of the City, its employees, representatives, agents, etc.
21. Assignment of Contract: A contract shall not be assignable by the Contractor in whole or in part without the written consent of the Public Works Director or designee.
22. The Revised Statutes Annotated of the State of New Hampshire, the Charter of the City, and all City Ordinances insofar as they apply to the laws of competitive proposals, contracts and purchases are made a part hereto.

**FAILURE TO COMPLY WITH THESE REQUIREMENTS COULD RESULT IN THE
CANCELLATION OF A CONTRACT**

SPECIAL INSTRUCTIONS/SPECIFICATIONS Please see attached.

SPECIAL INSTRUCTIONS/ SPECIFICATIONS

The City of Manchester, NH, is seeking proposals from vendors for exclusive rights to vend their products at assigned facilities for a seven (7) month period commencing on August 25, 2021 and ending on March 31, 2022.

- Vending is outside in the parking lot at the West Side Arena in Manchester. Other areas will be considered on a case-by-case basis.
- Vending consists of, but may not be limited to food.
- The Parks, Recreation and Cemetery Division will allow more than one vendor at a location, as long as the product varies. (For example, a sandwich vendor and an ice cream vendor will be allowed at the same location, two sandwich vendors will not be allowed at the same location.)
- Dates, times of access, normal operation and requirements vary accordingly.
- The Parks, Recreation and Cemetery Division reserves the right to allow Organizations to provide and sell any product during the Organization's permitted park event.
- A \$150.00 minimum "proposed amount" per location is required to be considered for a location. Any "proposed amounts" that are under the \$150.00 minimum will not be considered.
- Proposers must submit pages 8-9 in order to be considered.
- **100% of the amount proposed must be received by the Parks and Recreation Division on August 24, 2021 or prior to any vending taking place.** Payments must be in the form of a certified check, bank cashier's or bank official's check drawn on a solvent bank and made payable to the "City of Manchester".

Terms & Conditions for all facilities/locations

Contractor must agree to the following:

1. Vendor must have in their possession all licenses and permits necessary as prescribed by the City Clerk and City Health Department. Copies must be received and filed with the Parks and Recreation Division prior to any vending taking place.
2. Vendor must possess liability insurance in accordance to regulations set by City Risk Manager.
3. Vendor agrees to maintain all areas affected by his operations in a clean, quiet and responsible manner.

4. Vendor must operate from an area at their designated facility, as specified by the Parks Division.
5. Vendor will not create a safety hazard at any time during their operations.
6. Failure to abide by any of the above, preset conditions, may result in loss of vending privilege. This decision will be at the discretion of the Director of Public Works.
7. Vendor agrees to sell only items specified in contract so as not to conflict with wares of other designated vendors.
8. A failure by the vendor to abide by the terms & conditions noted herein or the guidelines, restrictions, or stipulations imposed by any municipal or State regulatory agency may result in the loss of the vending privilege.
9. If the vendor loses the vending privilege for the awarded facility, the location shall be awarded to the next highest qualified bidder within five (5) days.
10. On the attached Proposal Schedule please write “Not Applicable” or “NA” on sections for which you are **not** submitting a proposal.

PROPOSAL SCHEDULE

PROPOSAL FOR: CONCESSIONS/VENDING (FALL AND WINTER) (FY22-650-05)

DATE & TIME: THURSDAY, AUGUST 19, 2021 by 11AM

PRODUCTS: _____

Vending Location

Proposed Amount

(Required - \$150.00 minimum per location)

West Side Arena parking lot*

Other location(s)**

Vending Name: _____

* West Side Arena has an existing youth recreational hockey program that uses the West Side Arena on a regular basis.

Vendor(s) awarded these facilities may operate in designated areas deemed appropriate by the Chief of Parks or their designee.

**Other locations that are under the purview of the Parks & Recreation Division, but not listed here will be considered on a case by case basis.

The undersigned, as Proposer, hereby declares that before preparing this proposal he/she carefully read the specifications and hereby agrees that if the proposal is accepted he/she will contract with the City in accordance with the specifications, terms and conditions as spelled out in this Sealed Proposal.

This form must be signed. All signatures must be original and not photocopies.

FY22-650-05 - Concessions/Vending (Fall and Winter)

Authorized signature & title of Proposer

Print or type name & title of Proposer

Company Name (Corporation/general partnership organized & existing under the laws of the State of _____)

Address

City, State, Zip

Required
Date Proposal Made: _____ Email Address: _____

Phone #: _____ Fax #: _____